

HOUSE BILL 3073  
By Rowland

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 7, relative to the highway patrol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 7, is amended by adding Sections 2 through 11 of this act as new part 4 thereto.

SECTION 2. It is the policy of the Tennessee highway patrol to certify for promotion only those candidates meeting the qualifications prescribed in this policy and to use uniform procedures to ensure equal opportunity for promotion to all eligible candidates. Except for selected exempt service positions, all selections for vacant positions shall be advertised, conducted and documented in accordance with procedures developed by the Tennessee highway patrol. All vacant positions shall be filled on a merit basis from among the most qualified available members.

SECTION 3. The commissioner of safety is responsible for selection for promotion to the classes of all appointed positions. Only those eligible candidates having submitted a request for a promotional examination form are entitled to compete in the examination process. All such requests must be received no later than the first business day after January 15 of the calendar year.

SECTION 4. The commissioner, or the commissioner's designee, shall make the eligibility determination, based upon the provisions of this part, of candidates to participate in the promotional examination process.

SECTION 5. To be eligible to compete in the promotional process, a member must be a member of the Tennessee highway patrol for at least one (1) year. The commissioner, or the commissioner's designee, shall provide notice of any promotional test to each eligible candidate

whose test request is on file with the department. Notification of promotional tests shall be announced at least ninety (90) days prior to the written examination date.

#### SECTION 6.

(a) Promotional examinations for members of the highway patrol shall be prepared by the department of safety and administered in at least one (1) site in each grand division of the state. Each candidate for competitive examinations shall be required to pass the written examination according to the grading method specified in the notification of the examination. Candidates who do not achieve a passing score shall not be eligible for promotion for the duration of the promotional list.

(b) A written examination review will be held at the conclusion of each written examination session. All challenges to examination items must be submitted in writing on a form prepared by the department. Such form must be delivered to the commissioner within five (5) working days after the date of the examination.

#### SECTION 7.

(a) Any eligible candidate who is not present to take the examination for promotion at the date and time such tests are given shall not be permitted to take the test at a later date. Provided, in the event that a candidate is absent because of serious illness, hospitalization, death in the candidate's immediate family, or other unusual circumstance as determined valid by the commissioner, the candidate may take a separate, distinct examination if the candidate makes application to the commissioner within seventy-two (72) hours of the date of the regular examination

(b) All candidates scoring a minimum of seventy-five (75) on a written examination will advance to the assessment process to establish the final promotional lists for the promotional year.

(c) The assessment program is a process of standardized evaluation of candidate abilities utilizing job related dimensions. Candidates will be observed, recorded and evaluated on realistic job-related management simulations by trained assessors.

(d) Selection modules used in the assessment process may include, but not be limited to, exercises such as in-basket, video, oral interview, and leaderless group discussions. Exercises and percentage weights applicable to the exercises for each rank will be provided to candidates in the official notification announcing the process.

(e) Candidates shall have an opportunity to review their own completed assessment exercises in the presence of an official who is supervising the assessment. A request for review of an assessment exercise must be submitted in writing within ten (10) days of the postmark of the final promotional lists. Reviews must be conducted within sixty (60) days.

#### SECTION 8.

(a) Upon the establishment of promotional lists, the commissioner shall notify each candidate of the candidate's ranking.

(b) Candidates tied for a position on the promotional list will be ranked sequentially by seniority. When two (2) or more candidates are tied for a position on the promotional list and the candidates' seniority rankings are identical, the candidates shall be listed in alphabetical order on the promotional list based upon their last names.

(c) All promotional lists shall be from July 1 until June 30 of the following year. Extensions of such lists may be made only in accordance with department policy but shall not be more than one (1) additional year from the date the promotional lists are issued. After such time promotional lists shall be discarded and candidates for promotion must comply with the provisions of this part in order to be placed on any subsequent promotion lists.

(d) Any candidate questioning or appealing any decision of an eligibility requirement, written examination review, final rating on the promotional lists, or any other element of the

promotional process shall be given a full explanation if a request is made in writing to the commissioner within ten (10) days of the commissioner's decision.

SECTION 9. After the closing date of vacancy announcements, the commissioner shall make appointments from the pool of candidates who are eligible for lateral placement and the top five (5) eligible promotional candidates from the promotional list with the highest numerical scores who have applied for the position.

SECTION 10.

(a) A candidate who accepts a promotion requiring a transfer does so with the understanding that the assignment is permanent and there are no guarantees of a subsequent move to another area.

(b) While serving in a temporary assignment, members shall be eligible to compete in the promotional examination process for the rank for which the member was eligible prior to such temporary appointment.

SECTION 11. Any employee who in any manner gives, receives, obtains, or uses any information in a fraudulent manner prior to or during a competitive examination, or who cheats in any manner before or during the competitive examination, shall be subject to disciplinary action.

SECTION 12. This act shall take effect January 1, 2007, the public welfare requiring it.